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Young Soo Kim

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MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON, DC 20006

EXAMINER

MARKOFF, ALEXANDER

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Please find below and/or attached an Office communication concerning this application or proceeding.

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/720,749
Filing Date: November 25, 2003
Appellant(s): KIM, YOUNG SOO

Mark R. Kresloff
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 12/17/07 appealing from the Office action mailed 09/20/06.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Kim et al

The applied reference has a common assignee with the instant application.

Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

Kim et al teach a method as claimed. See columns 2 and 3 and the detailed description of the method (columns 4-7, especially column 5, line 3 – column 6, line 57).

Kim et al do not use the term “water reduction rate”, but measuring number of “refills” in time and measuring “elapsed time” is a measuring of the rate. It is noted that

the instant claims do not specify what is referenced as “water reduction rate”. The disclosure of Kim et al meets the limitation of the not defined term “rate”.

It is noted that the calculations of Kim et al serve for the same purpose – to determine rate of water absorption in the laundry and determine washing settings based on the obtained data. See at least column 5, line 2 – column 6, line 4, wherein Kim et al use the terms “water absorbed by the laundry” and “water absorbing rate”.

Kim et al do not specifically state that the final water load (level) is greater than the level first set level, however, it is inherent because the steps S31-35 maintain the minimum water level. See at least column 5, line 43 – column 6, line 4.

(10) Response to Argument

Claim 1:

With respect to the rejection of this claim the Appellants argue that Kim et al do not teach calculating water reduction rate.

The examiner disagrees.

Kim et al teach optimization of the washing by taking in the account the water absorption by the laundry. They teach measuring water levels over time and adding water to compensate for the absorption. They also teach measuring number of re-supplies and elapsed time for re-supplies (such is readable on the water absorption rate); comparing the values of elapsed time with a predetermined value and determining supply according to the results of comparing (column 5, lines 2-49). Kim et al further teach determining of number of re-supplies and optimizing the washing method based on the measurements.

Moreover, Kim et al teach comparing the water absorption during the different time periods. See at least column 3, lines 34-39 and column 6, lines 18-33.

Claim 2:

The Appellants argue that Kim et al do not teach re-supplying if the water reduction rate is less than predetermined amount.

This is not persuasive because Kim et al teach re-supplying at different time zones, which have different absorption rates, which were determined and compared to the stored information.

Claims 3 and 8:

The Appellants argue that Kim et al do not teach supplying to a third water level.

This is not persuasive because Kim et al teach supplying to the minimum level and to the level higher than minimum level.

Claims 4-6:

The Appellants argue that Kim et al do not teach repeating of sensing and calculating and resetting the user selected wash course based on the average rate.

The examiner disagrees. Kim et al teach repeating the measurements in several time zones, calculating the rate considering all zones and setting the wash course based on the measurements (columns 6-7).

Claim 9:

The Appellants repeat the argument directed to claim 1 with respect to the rejection of claim 9. The examiner repeats his response to the referenced arguments here with respect to claim 9.

The applicants further allege with respect to new claim 9 that Kim et al do not teach comparing the water levels over a time, calculating water reduction rate based on such comparing and determining re-supply amount based on the calculated rate.

This is not persuasive because at least at column 5, lines 2-49 Kim et al teach such.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Alexander Markoff/

Primary Examiner, Art Unit 1792

Conferees:

/Gregory L Mills/

Supervisory Patent Examiner, Art Unit 1700

/Michael Barr/

Supervisory Patent Examiner, Art Unit 1792